IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

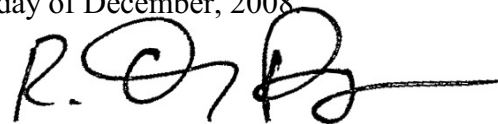|	
CLYDE GOODMAN,	)
	)
Plaintiff,	)
	)
vs.	) **Case No. 2:08-cv-01274-RDP-JEO**
	)
J. CLEMMONS,	)
	)
Defendants.	)

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on November 3, 2008, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed for failing to state a claim upon which relief can be granted under 28 U.S.C. § 1915A(b). Plaintiff filed objections to the report and recommendation on November 20, 2008. (Doc. #7).

In his objections, Plaintiff argues that the Board of Adjustment and Alabama tort law do not provide a meaningful post-deprivation remedy for the loss of his Social Security check. Plaintiff reasons that the "Board of Adjustment covers the theft of inmate property by other inmates and also the theft of inmate property at the hands of a D.O.C. employee[;] the plaintiff however was never in actual possession of the check in question." (Doc. #7 at 1). Plaintiff further reasons that "Alabama tort law is not [an] adequate post-deprivation remed[y] because the value of the check . . . was never received by the plaintiff . . . ." (Doc. #7 at 2). Plaintiff offers no legal authority to support his assertions and the same are without merit. Because adequate post-deprivation remedies

were available to Plaintiff at the time his check was lost, his due process claims are due to be dismissed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, and the objections thereto, the court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, the complaint is due to be dismissed for failing to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915A(b). A Final Judgment will be entered.

DONE and **ORDERED** this _____3rd_____ day of December, 2008.

_____
R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE